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Attorneys for Defendants
Charles M. Hallinan and Hallinan Capital Corp.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS W. MCNAMARA, as the Court-
Appointed Monitor for AMG Capital Management,
LLC, et al,

Plaintiff,

v.

CHARLES M. HALLINAN, et al,

Defendants.

Case No. 2:17-cv-02966 (KJD) (NJK)

**UNOPPOSED MOTION TO
AMEND THE DISCOVERY PLAN
AND SCHEDULING ORDER**

(Fourth Request)

Defendants Charles M. Hallinan ("Hallinan") and Hallinan Capital Corp. (collectively, referred to as "Defendants") hereby request, and Plaintiff does not oppose, an extension to the dates and deadlines set forth in the discovery plan and scheduling order (ECF No. 27, as amended at ECF Nos. 39, 53, and 69). The earliest deadline set by the current Scheduling Order is the fact

1 discovery cut-off of April 5, 2019. Accordingly, this Motion is timely under LR 26-4.¹ The
2 parties have met and conferred to discuss the extension and Plaintiff does not oppose Defendants'
3 request, but reports that he is otherwise prepared to complete discovery within the current
4 deadlines.

5 Pursuant to Fed. R. Civ. P. 16(b)(4), LR IA 6-1, LR IA 6-2, and LR 26-4, Defendants
6 submit that good cause exists to approve this extension. As detailed below, Defendants are
7 requesting, and Plaintiff does not oppose, additional time to reschedule and complete the
8 depositions of witnesses including Hallinan's daughters, Linda and Carolyn Hallinan. Defendants
9 are also coordinating a deposition date for the Plaintiff and at least one additional percipient
10 witness.

11 **A. Completed Discovery**

12 The following discovery has occurred:

13 Plaintiff has served Defendants with the following items:

- 14 1. Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1);
- 15 2. First Set of Interrogatories;
- 16 3. First Set of Requests for Production of Documents;
- 17 4. First Set of Requests for Admissions;
- 18 5. Responses to Defendants' First Set of Interrogatories;
- 19 6. Responses to Defendants' First Set of Requests for Production;
- 20 7. Rule 30(b)(6) deposition notice on Defendant Hallinan Capital Corp.;
- 21 8. First Set of Requests for Admissions to Hallinan Capital Corp.;
- 22 9. Notice of Deposition By Written Question of Charles M. Hallinan

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27 ¹ This Motion was originally submitted on March 15, 2019, and denied without prejudice
28 pursuant to IA 6-2. (ECF No. 82.)

Defendants have served Plaintiff with the following items:

1. Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1);
2. Responses to Plaintiff's First Set of Interrogatories;
3. Supplemental Responses to Plaintiff's First Set of Interrogatories;
4. Responses to Plaintiff's First Set of Requests for Production;
5. Supplemental Responses to Plaintiff's First Set of Request for Production of Documents;
6. First Set of Interrogatories;
7. First Set of Requests for Production of Documents;
8. Deposition Notice to Monitor, Thomas W. McNamara
9. Deposition Notice to Lisa Jones

Witness and party depositions as well as the third-party depositions of Linda Hallinan and Carolyn Hallinan have yet to occur. On January 24, 2019, Plaintiff filed a Motion to Compel (ECF No. 68), which was denied without prejudice on February 25, 2019 (ECF No. 77). Following additional meet and confers, Plaintiff filed a renewed Motion to Compel on March 13, 2019 (ECF No. 80). Defendants' response to that motion is currently due March 18, 2019, and Plaintiff's reply is due March 20, 2019.

Also, Defendants' motion to dismiss the Complaint (ECF No. 17) is pending before the Court and pleadings are still open.

B. Incomplete Discovery

The parties have exchanged written discovery and produced responsive documents. Defendants do not intend to produce additional documents. Plaintiff has produced documents on a rolling basis and has recently advised Defendants that he will be making another document production the week of March 18, 2019. In addition to correspondence and other responsive documents, Plaintiff has advised that the anticipated production will include various QuickBooks files. The parties are finalizing dates for party depositions and the third-party depositions of Carolyn and Linda Hallinan.

D. Proposed Schedule for Completing All Remaining Discovery

Defendants seeks to amend the Scheduling Order as follows:

	Current Date	Proposed New Date
1. Fact discovery cut-off	April 5, 2019	May 24, 2019 ²
2. Expert discovery cut-off	April 5, 2019	May 24, 2019
3. Interim status report	December 21, 2018	December 21, 2018
4. Expert disclosures	December 21, 2018	December 21, 2018
5. Rebuttal expert designations	January 21, 2019	January 21, 2019
6. Dispositive motions	July 2, 2019	August 9, 2019
7. Pretrial order*	August 5, 2019	September 13, 2019

As the Court is aware, in the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after a decision of the dispositive motions.

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² In her direct case, also on March 15, 2019, counsel for Linda Hallinan filed an unopposed motion to extend her fact discovery deadline until May 24, 2019. As such, Defendants also request an extension to May 24, 2019, to further coordinate the scheduling of depositions between the two cases.

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CONCLUSION

For the above-stated reasons, Defendants respectfully request, and Plaintiff does not oppose, that this Court enter an Order amending the Discovery Plan and Scheduling Order using the new deadlines noted above.

DATED this 18th day of March, 2019.

SEMENZA KIRCHER RICKARD

/s/ Jarrod L. Rickard

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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: March 19, 2019